

Daniel J. Brooks
Eric A. Boden
SCHNADER HARRISON SEGAL & LEWIS LLP
140 Broadway, Suite 3100
New York, New York 10005-1101
Telephone: (212) 973-8000
Facsimile: (212) 972-8798

Attorneys for Plaintiff Patrick Cariou

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PATRICK CARIOU,

Plaintiff,

-against-

RICHARD PRINCE, GAGOSIAN GALLERY,
INC., LAWRENCE GAGOSIAN and
RIZZOLI INTERNATIONAL
PUBLICATIONS, INC.,

Defendants.
-----X

08 Civ. 11327 (DAB)

**NOTICE OF MOTION
FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the annexed declarations of Daniel J. Brooks, dated May 7, 2010, and Eric Doeringer, dated May 6, 2010, the exhibits thereto, the annexed statement, pursuant to Local Rule 56.1 of the United States District Courts for the Southern and Eastern Districts of New York, of material facts as to which there is no genuine issue to be tried, and the pleadings and prior proceedings herein, plaintiff Patrick Cariou will move the Court, before the Honorable Deborah A. Batts, at the United States Courthouse, 500 Pearl Street, New York, New York 1007, in accordance with the scheduling order dated March 19, 2010, as amended by memorandum endorsements dated April 6, 2010 and May 5, 2010, with argument to be held if the Court deems it necessary, for an order granting summary judgment, pursuant to Rule 56(a), Fed. R. Civ. P., in plaintiff's favor on the issues of the liability of

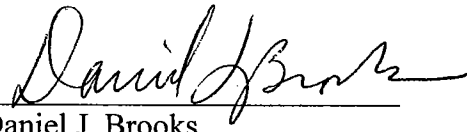
defendants Richard Prince, Gagosian Gallery, Inc. and Lawrence Gagosian for copyright infringement and the invalidity as a matter of law of the defendants' fair use defense, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's scheduling order, as amended, defendants' opposition papers must be served by June 14, 2010, and plaintiff's reply papers must be served by June 24, 2010.

Dated: New York, New York
May 14, 2010

Respectfully submitted,

SCHNADER HARRISON SEGAL & LEWIS LLP

By: 

Daniel J. Brooks

Eric A. Boden

140 Broadway, Suite 3100

New York, New York 10005

Tel. (212) 973-8000

Fax (212) 972-8798

Attorneys for Plaintiff Patrick Cariou

TO: Steven M. Hayes, Esq.
HANLY CONROY BIERSTEIN
SHERIDAN FISHER & HAYES LLP
112 Madison Avenue, 7th Floor
New York, New York 10016

Attorneys for Defendant Richard Prince

Hollis Gonerka Bart, Esq.
Dara G. Hammerman, Esq.
WITHERS BERGMAN LLP
430 Park Avenue, 10th Floor
New York, New York 10022

*Attorneys for Defendants Gagosian Gallery, Inc.
and Lawrence Gagosian*